



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 87-99
18 March 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CWO-4 [REDACTED] USMC, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 28 Dec 98 w/attachments
(2) HQMC MMOA-4 memo dtd 10 Feb 99
(3) HQMC MMPR memo dtd 1 Mar 99
(4) Memo for record dtd 17 Mar 99
(5) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of chief warrant officer-4 (CWO-4) he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 1998 CWO-4 Selection Board, vice the FY 1999 CWO-4 Selection Board. Initially, he specifically requested a date of rank and effective date of 1 January 1998. As indicated at paragraph 3.e below, he later amended his petition to request 2 January 1998.

2. The Board, consisting of Messrs. Hogue, Schultz, and Tew, reviewed Petitioner's allegations of error and injustice on 17 March 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner had a prior case (3190-98) before this Board. A copy of his decisional document is found at Tab A to enclosure (1). After he had failed by the FY 1998 CWO-4 Selection Board, the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) directed removal of the reviewing officer comments from a fitness report.

His failure of selection was later stricken by this Board. He appeared before the FY 1999 CWO-4 Selection Board with a corrected record and was selected for promotion. He was promoted to CWO-4 with a date of rank and effective date of 15 December 1998.

c. In correspondence attached as enclosure (2), the HQMC Officer Counseling and Evaluation Section, Personnel Management Division (MMOA-4) has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. In correspondence attached as enclosure (3), the HQMC Promotion Branch (MMPR) has commented to the effect that had Petitioner been selected by the FY 1999 CWO-4 Selection Board, he would have received a date of rank and effective date of 2 January 1998.

e. In the memorandum for the record at enclosure (4), Petitioner acceded to 2 January 1998 as the correct date of rank and effective date of his promotion to CWO-4 by the FY 1998 selection board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

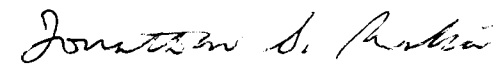
a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of CWO-4 as 2 January 1998; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

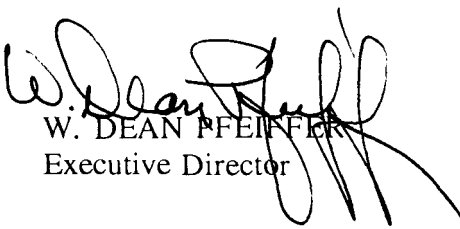
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

87-99

IN REPLY REFER TO:

1600
MMOA-4
10 Feb 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: BCNR PETITION FOR CHIEF WARRANT OFFICER-4
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Chief Warrant Officer-4 [REDACTED]
[REDACTED] USMC of 09 Feb 99

(b) MMOA-4 Advisory Opinion 1600 MMOA-4 of 14 Apr 98

1. Recommend approval of Chief Warrant Officer-4 [REDACTED]
request for backdating his date of rank.
2. Per reference (a), we reviewed Chief Warrant Officer-4
[REDACTED]'s record and petition. Chief Warrant Officer-4 [REDACTED]
failed selection on the FY98 USMC Chief Warrant Officer-4
Selection Board. He successfully petitioned the Secretary of the
Navy for changes to his Official Military Personnel File and to
have his failure of selection removed. He was subsequently
selected for promotion from the in zone on the FY99 Board. Chief
Warrant Officer-4 [REDACTED] requests backdating of his date of
rank.
3. Normally, a single factor does not cause a failure of
selection. However, as is evident by Chief Warrant Officer-4
[REDACTED]'s promotion, our opinion recommending approval of his
request to remove his failure of selection in reference (b),
remains germane. Therefore, we recommend approval of Chief
Warrant Officer-4 [REDACTED] request for backdating his date of
rank.

[REDACTED]
Major, U. S. Marine Corps
Head, Officer Counseling and
Evaluation Section
Personnel Management Division

87-99



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1412/1
MMPR

MAR 01 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF CHIEF [REDACTED]
[REDACTED] USMC [REDACTED]

1. If Chief Warrant Office [REDACTED] request for
backdating is approved, his date of rank and effective date will
be 2 January 1998. This is the date of rank he would have
received upon selection from the FY98 USMC Chief Warrant Officer
4 Selection Board.

[REDACTED]
[REDACTED]
By direction [REDACTED]

MEMORANDUM FOR THE RECORD

**BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION**

2 NAVY ANNEX, SUITE 2432

WASHINGTON, DC 20370-5100

TELEPHONE: DSN [REDACTED] OR COMM (703) [REDACTED]

FAX: DSN 224-9857, COMM (703) 614-9857, OR [REDACTED]

E-MAIL [REDACTED]@HQ.NAVY.MIL

DATE: 17MAR99

DOCKET NO: 87-99

PET: CWO [REDACTED], USMC

PARTY SENDING E-MAIL: PET

TELEPHONE NO: N/A

WHAT PARTY SAID: PET INFORMED [REDACTED] IS THE

BRIAN J. GEORGE